

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

22-MC-352 (JMF)

APPLICATION OF BONSENS.ORG FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782 TO CONDUCT
DISCOVERY FOR USE IN A FOREIGN PROCEEDING

MEMORANDUM OPINION
AND ORDER


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JESSE M. FURMAN, United States District Judge:

The Application of BonSens.org (“BonSens”) for an order compelling discovery for use in a foreign proceeding is DENIED as moot substantially for the reasons stated in Pfizer Inc.’s supplemental response of February 13, 2023. *See* ECF No. 25. Put simply, in light of the French courts’ rulings and the posture of the foreign proceedings, BonSens lacks “the *practical ability* . . . to place a beneficial document — or the information it contains — before a foreign tribunal.” *In re Accent Delight Int’l Ltd.*, 869 F.3d 121, 131 (2d Cir. 2017). Dismissal of the Application is without prejudice in the event BonSens is “ultimately successful” in the French appellate courts. *In re Fuhr*, No. 13-21598-CIV, 2019 WL 2245482, at *2 (S.D. Fla. Jan. 11, 2019), *report and recommendation adopted by* 2019 WL 2245473 (S.D. Fla. Mar. 15, 2019).

The Clerk of Court is directed to terminate ECF No. 1 and to close this case.

SO ORDERED.

Dated: February 14, 2023
New York, New York



JESSE M. FURMAN
United States District Judge